HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI H.L. DATTU, CJ. &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No. 2832 of 2002

PETITIONER — Parmanand Sahu, aged about 42 years son of Shri Rajaram, residence of Kirari, Via – Nariyar, Police Station – Akaltara, Distt. Janjgir-Champa, (Chhattisgarh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Department of School Education, Secretariate, Raipur (CG)
2. Collector, Distt. Janjgir-Champa (Chhattisgarh)
3. Deputy Director of Education Distt. Janjgir-Champa, Chhattisgarh
4. Sarpanch, Gram Panchayat, Bamhani Bazar, Janjgir, Distt. Janjgir-Champa (Chhattisgarh)

Present: Shri A.K. Srivastava, counsel for the petitioner.
Shri A.S. Kachhawaha, G.A. for the State.

ORAL ORDER

(Passed on 03rd April, 2007)

The following oral order of the Court was passed by

H.L. Dattu, CJ.

The petitioner was appointed as Lower Division Clerk on daily wage basis. After completion of the time prescribed in the letter of appointment, his services were terminated. Now he is unemployed.

(2) In this petition filed under Articles 226/227 of the Constitution of India, the petitioner calls in question the correctness or otherwise of the Circular issued by the State Government dated 02-12-2000 to fill-up the

post of teachers from among those teachers who have previously worked and whose services were terminated.

(3) In our opinion, the relief sought for by the petitioner cannot be granted for the following reasons.

(4) First and foremost, though the petitioner was appointed as Assistant Teacher on 13-08-1981 and his services came to be terminated; thereafter, he was appointed as Lower Division Clerk on daily wage basis and after expiry of the time prescribed, his services were again terminated. If for any reason, the petitioner wants to take benefit of the circular dated 02-12-2000 issued by the State Government, he should have worked as teacher and his services should have been terminated. But, in the present case though he had worked as Assistant Teacher in the year 1981, but thereafter he was appointed as Lower Division Clerk and his services were terminated. Therefore, he cannot take any advantage or benefit of the circular issued by the State Government. Therefore, at the instance of the petitioner, the beneficial circular issued by the State Government cannot be quashed. Accordingly, the writ petition requires to be rejected and it is rejected. Ordered accordingly.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice